

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action No. 3:18-cv-01289

MATTHEW MALLORY,
CAMO HEMP WV LLC,
GARY KALE, GRASSY RUN
FARMS, LLC, their agents,
servants, assigns, attorneys, and all
others acting in concert with the named defendants,

Defendants.

VERIFIED CLAIM

The Claimants (hereinafter defined) assert that the United States has failed to follow the appropriate procedures to forfeit the real and personal property that the Claimants believe is at issue. Accordingly, such property is not subject to forfeiture. However, without waiving these objections, and out of an abundance of caution, Kale Trucking, Inc. (“Kale Trucking”), by and through Gary Kale (“Kale”), its President, and Grassy Run Farms, LLC (“Grassy Run”), by and through Kale, who is President and a controlling shareholder of Heritage Truck Centers, Inc., which is the sole member of Grassy Run (collectively “Claimants”), state as follows:

1. Real Property Interests

a. Kale Trucking is the record owner of that certain real estate situate in Arbuckle District, Mason County, West Virginia, of record in the Office of the Clerk of the County Commission of Mason County, West Virginia in Deed Book 408, at Page 69 (the “Real Property”).

b. Kale Trucking owns the Real Property in fee simple, subject to a Deed of Trust held by Branch Banking and Trust Company.

c. Grassy Run has a leasehold interest in the Real Property pursuant to a Lease between Kale Trucking, as Lessor, and Grassy Run, as Lessee.

2. Personal Property Interests

a. Kale Trucking owns the personal property, including farming equipment, that is used in Grassy Run's farming and agricultural activities (the "Personal Property").

b. Grassy Run has a leasehold interest in the Personal Property pursuant to various leases between Kale Trucking, as Lessor, and Grassy Run, as Lessee,

3. Claimants hereby verify that the averments contained in the forgoing Verified Claim are true and correct to the best of their knowledge, information and belief, and belief.

4. Claimants declare under penalty of perjury that the foregoing is true and correct.

GRASSY RUN FARMS, LLC



Heritage Truck Centers, Inc., its sole member

By: Gary Kale

Its: President

KALE TRUCKING, INC.



By: Gary Kale

Its: President

Prepared by:

/s/ R. Booth Goodwin II
R. Booth Goodwin II (WV Bar No. 7165)
Tammy J. Owen (WV Bar No. 5552)
Goodwin & Goodwin, LLP
300 Summers Street, Suite 1500
Charleston, WV 25301
304-346-7000
rbg@goodwingoodwin.com
tjo@goodwingoodwin.com

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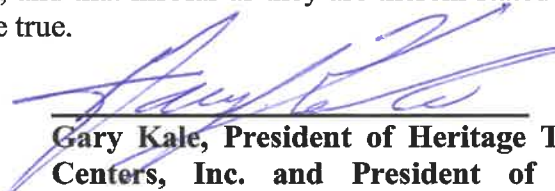
MATTHEW MALLORY,
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GARY KALE, GRASSY RUN
FARMS, LLC, their agents,
servants, assigns, attorneys, and all
others acting in concert with the named defendants,

Defendants.

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to wit:

VERIFICATION

I, Gary Kale, as President of Kale Trucking, Inc., and as President and a controlling shareholder of Heritage Truck Centers, Inc., who is the sole member of Grassy Run Farms, LLC, being first duly sworn, declare under the penalty of perjury as provided by 28 U.S.C. § 1746 state that the statements and representations contained in the Verified Claim are true, except as they are therein stated to be upon information and belief, and that insofar as they are therein stated to be upon information and belief, I believe them to be true.


Gary Kale, President of Heritage Truck
Centers, Inc. and President of Kale
Trucking, Inc.

Taken, subscribed, and sworn to before me this 16th day of October, 2018. My commission
expires: April 26, 2021

(Seal)




NOTARY PUBLIC

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Defendants.

CERTIFICATE OF SERVICE

I, R. Booth Goodwin II, counsel for the defendants Gary Kale and Grassy Run Farms, LLC, hereby certify that on October 16, 2018, I electronically filed the foregoing **Verified Claim and Verification** with the clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

Carte P. Goodwin, Esq.
Elise McQuain, Esq.
Frost Brown Todd LLC
500 Virginia Street East,
Suite 1100
Charleston, WV 25301

Phillip A. Reale, II, Esq.
Law Office of Phillip A. Reale, PLLC
300 Summers Street
Suite 980
Charleston, WV 25301
Counsel for defendants Matthew Mallory and Camo Hemp WV LLC

Fred B. Westfall, Jr.
Assistant United States Attorney
P.O. Box 1713
Charleston, WV 25326
Counsel for the United States of America

I, R. Booth Goodwin II, counsel for the defendants Gary Kale and Grassy Run Farms, LLC, hereby certify that on October 16, 2018, I served the foregoing **Verified Claim and Verification** upon the following counsel of record by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Fred B. Westfall, Jr.
Assistant United States Attorney
P.O. Box 1713
Charleston, WV 25326

Fred B. Westfall, Jr.
Assistant United States Attorney
300 Virginia Street, East, Room 4000
Charleston, WV 25301

/s/ R. Booth Goodwin II
R. Booth Goodwin II